

Cohen v. Tate, 779 F.2d 1181, 1184 (6th Cir.1985). The burden of showing compliance with the exhaustion requirement rests with the Petitioner. Rust v. Zent, 17 F.3d 155,160 (6th Cir.1994).

According to his petition, Petitioner conviction is currently being reviewed by the Tennessee Court of Criminal Appeals on direct appeal. Docket Entry No.6 at pg.2. Thus, the Petitioner has conceded that he has not yet fully exhausted his state court remedies. When a habeas corpus Petitioner has failed to exhaust all state court remedies for each claim in his petition, a district court is obliged to dismiss the petition. Rose v. Lundy, 455 U.S. 509, 522 (1982).

Accordingly, this action is **DISMISSED without prejudice** for Petitioner's failure to exhaust his state remedies.

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 15th day of December, 2009.



WILLIAM J. HAYNES, JR.
United States District Judge